

**ORDINANCE \_\_\_\_\_**

AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code sections 23.42.030, 23.47A.004, 23.47A.006, 23.50.012, 23.50.014, 23.54.030, and 23.84A.030 to allow a recycling use in a Commercial 2 zone to be located on the same development site as a solid waste management use through administrative conditional use review, to allow access to a solid waste management use through a Commercial 2 zone or Industrial Buffer zone, and to allow limited uses associated with a solid waste management use to be located in Commercial 2 zones and Industrial Buffer zones through administrative conditional use review.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 23.42.030 of the Seattle Municipal Code, which section was enacted by Ordinance 123046, is amended as follows:

**23.42.030 Access to Uses**

Vehicular and pedestrian access may be provided to a use in one zone across property in a different zone ~~((, but only))~~ if:

A. ((~~§~~)) The use to which access is being provided is permitted, either outright or as a conditional use, in the zone across which access is to be provided; or((~~-~~))

B. The use to which access is being provided is a solid waste transfer station use permitted by conditional use in the zone in which it is proposed to be located, and the access for the solid waste transfer station use is across property located in an Industrial or Commercial 2 zone. The proposed access is subject to review under the conditional use criteria applicable to the principal use.

Section 2. Section 23.47A.004 of the Seattle Municipal Code, which section was last amended by Ordinance 123378, is amended as follows:

**23.47A.004 Permitted and prohibited uses**

\* \* \*

**Table A**

**for 23.47A.004**

**Uses in Commercial Zones**

|       |                                     | PERMITTED AND PROHIBITED USES BY ZONE(1) |     |     |     |                 |
|-------|-------------------------------------|--|-----|-----|-----|-----------------|
| USES  |                                     | NC1                                      | NC2 | NC3 | C1  | C2              |
| * * * |                                     |  |     |     |     |                 |
| M.    | Transportation services, personal   | X  | X   | P   | P   | P               |
| M.1.  | UTILITY USES                        |  |     |     |     |                 |
| M.2.  | Communication Utilities, major (14) | X  | X   | X   | CCU | CCU             |
| M.3.  | Communication Utilities, minor (14) | P  | P   | P   | P   | P               |
| M.4.  | Power Plants                        | X  | X   | X   | X   | X               |
| M.5.  | Recycling                           | X  | X   | X   | P   | <u>P/CU(16)</u> |
| M.6.  | Sewage Treatment Plants             | X  | X   | X   | X   | X               |

|      |                        |    |    |   |   |   |
|------|------------------------|----|----|---|---|---|
| M.7. | Solid waste management | X  | X  | X | X | X |
|      | Utility Services Uses  | 10 | 25 | P | P | P |

#### KEY

A = Permitted as an accessory use only

CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 sq. ft. of any number following a hyphen, pursuant to Section 23.47A.010)

CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 sq. ft. of any number following a hyphen, pursuant to Section 23.47A.010)

P = Permitted

S = Permitted in shoreline areas only

X = Prohibited

10 = Permitted, business establishments limited to 10,000 sq. ft., pursuant to Section 23.47A.010

20 = Permitted, business establishments limited to 20,000 sq. ft., pursuant to Section 23.47A.010

25 = Permitted, business establishments limited to 25,000 sq. ft., pursuant to Section 23.47A.010

35 = Permitted, business establishments limited to 35,000 sq. ft., pursuant to Section 23.47A.010

40 = Permitted, business establishments limited to 40,000 sq. ft., pursuant to Section 23.47A.010

50 = Permitted, business establishments limited to 50,000 sq. ft., pursuant to Section 23.47A.010

#### NOTES

\* \* \*

(16) A recycling use that is located on the same development site as a solid waste transfer station may be permitted by administrative conditional use, subject to the requirements of Section 23.47A.006.A.7.

Section 3. Section 23.47A.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

**23.47A.006 Conditional uses**

A. The following uses, where identified as administrative conditional uses on Table A for ~~((Section))~~ 23.47A.004, or other uses identified in this Section 23.47A.006, may be permitted by the Director when the provisions of both Section 23.42.042 and this subsection 23.47A.006.A are met:

\* \* \*

7. A recycling use that is located on the same development site as a solid waste transfer station may be permitted as a conditional use in Commercial 2 (C2) zones subject to the following additional provisions:

a. Accessory structures including entrance/exit kiosks, walls, screening, and other minor incidental improvements, are permitted;

b. A setback of at least 65 feet is provided between any façade of the principal structure containing the recycling use and any lot line that abuts or is across a street from a residentially zoned lot;

c. Trucks allowed to access the recycling use to drop off recyclables shall not exceed a maximum of two axles;

1                   d. Rooftop features on the principal structure shall not exceed the  
2 maximum height limit of the zone;

3                   e. All transfer, handling, and compacting of recyclable materials shall be  
4 conducted within an enclosed structure;

5                   f. Outdoor storage is prohibited.

6                   g. 60 percent of the C2-zoned portion of the development site is  
7 maintained as open space. For these purposes, surface parking and driveways are not considered  
8 open space.

9                   h. Office use and crew space use accessory to a solid waste transfer station  
10 use on the same development site may be allowed within a structure containing a recycling use  
11 on the same development site may be allowed within a structure containing a recycling use

12                   8. Parking and driveways accessory to a solid waste transfer station. Parking and  
13 driveways on property in a C2 zone are permitted as a conditional use accessory to a solid waste  
14 transfer station according to the following provisions:

15                   a. The parking is on property that is part of the same development site as  
16 the solid waste transfer station use;

17                   b. The parking meets the criteria of Section 23.50.014.A;

18                   c. The parking is subject to analysis in a transportation plan, if a  
19 transportation plan is required by the Director pursuant to subsection 23.50.014.B.7.c.  
20

21                   d. Surface parking is not across the street from a residentially zoned lot.

22                   e. A setback of at least 65 feet is required between surface parking spaces  
23 and any lot line that abuts or is across a street from a commercially zoned lot; and  
24

f. Driveways providing access to parking or access to the solid waste transfer station are on the same development site as the solid waste transfer station use.

Section 4. Section 23.50.012 of the Seattle Municipal Code, which section was last amended by Ordinance 123729, is amended as follows:

**23.50.012 Permitted and Prohibited Uses**

A. All uses are permitted outright, prohibited or permitted as a conditional use according to Table A for 23.50.012 and this Section 23.50.012.

\* \* \*

Table A For 23.50.012

Uses in Industrial Zones

| USES | PERMITTED AND PROHIBITED USES BY ZONE |    |                             |                                      |                                      |
|------|---------------------------------------|----|-----------------------------|--------------------------------------|--------------------------------------|
|      | IB                                    | IC | IG1 and<br>IG2<br>(general) | IG1 in the<br>Duwamish<br>M/I Center | IG2 in the<br>Duwamish<br>M/I Center |

\* \* \*

**M. UTILITY USES**

|  |    |    |    |    |    |
|--|----|----|----|----|----|
| M.1. Communication<br>Utilities, major | CU | CU | CU | CU | CU |
|--|----|----|----|----|----|

|    |                             |                               |     |     |     |     |
|----|-----------------------------|-------------------------------|-----|-----|-----|-----|
| 1  | M.2. Communication          | P                             | P   | P   | P   | P   |
| 2  | Utilities, minor            |                               |     |     |     |     |
| 3  |                             |                               |     |     |     |     |
| 4  | M.3. Power Plants           | X                             | CCU | P   | P   | P   |
| 5  |                             |                               |     |     |     |     |
| 6  | M.4. Recycling              | P                             | P   | P   | P   | P   |
| 7  |                             |                               |     |     |     |     |
| 8  | M.5. Sewage Treatment       | X                             | CCU | CCU | CCU | CCU |
| 9  | Plants                      |                               |     |     |     |     |
| 10 | M.6. Solid waste management |                               |     |     |     |     |
| 11 | M.6.a. Salvage yards        | X                             | X   | P   | P   | P   |
| 12 |                             |                               |     |     |     |     |
| 13 | M.6.b. Solid waste          | ((X)) <u>CU</u> <sup>16</sup> | CU  | CU  | CU  | CU  |
| 14 | transfer stations           |                               |     |     |     |     |
| 15 |                             |                               |     |     |     |     |
| 16 | M.6.c. Solid waste          | X                             | CCU | CCU | CCU | CCU |
| 17 | incineration facilities     |                               |     |     |     |     |
| 18 |                             |                               |     |     |     |     |
| 19 | M.6.d. Solid waste          | X                             | X   | X   | X   | X   |
| 20 | landfills                   |                               |     |     |     |     |
| 21 | M.7. Utility Services Uses  | P                             | P   | P   | P   | P   |
| 22 |                             |                               |     |     |     |     |

KEY

CU = Administrative conditional use

CCU = Council conditional use

EB = Permitted only in a building existing on October 5, 1987.

EB/CU = Administrative conditional use permitted only in a building existing on October 5, 1987.

P = Permitted

X = Prohibited

\* \* \*

(16) Subject to subsection 23.50.014.B.7.e

Section 5. Section 23.50.014 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

**23.50.014 Conditional uses((,))**

A. Criteria For All Conditional Uses. All conditional uses ~~((shall be))~~ are subject to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and shall meet the following criteria:

1. The use shall be determined not to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

2. The benefits to the public that would be provided by the use shall outweigh the negative impacts of the use.

3. Landscaping and screening, vehicular access controls and other measures shall insure the compatibility of the use with the surrounding area and mitigate adverse impacts.

4. The conditional use shall be denied if it is determined that the negative impacts cannot be mitigated satisfactorily. However, adverse negative impacts may be mitigated by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest.



5. In areas covered by Council-adopted Neighborhood Plans (~~(which)~~that were adopted after 1983, uses shall be consistent with the recommendations of the plans.

B. Administrative Conditional Uses. The following uses, identified as administrative conditional uses in Table A, may be permitted by the Director (~~(when)~~if the provisions of this subsection 23.50.014.B and subsection 23.50.014.A (~~(of this section)~~) are met.

\* \* \*

7. Solid waste transfer stations may be permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), (~~and~~) Industrial Commercial (IC), and Industrial Buffer (IB) zones according to the following criteria:

a. Measures to minimize potential odor emissions and airborne pollutants shall be determined in consultation with the Puget Sound Clean Air Agency (PSCAA). These measures shall be incorporated into the design and operation of the facility;

b. Measures to maximize control of rodents, birds and other vectors shall be determined in consultation with the Seattle/King County Department of Public Health. These measures shall be incorporated into the design and operation of the facility;

c. The Director may require a transportation plan. The Director shall determine the level of detail to be disclosed in the plan such as estimated trip generation, access routes and surrounding area traffic counts, based on the probable impacts and/or scale of the proposed facility; and

d. Measures to minimize other impacts are incorporated into the design and operation of the facility.

1                   e. For any portion of the principal structure containing the solid waste  
2 management use that is located in an IB zone, the following standards apply:

3                   1) The maximum floor area of the principal structure is limited to  
4 7,000 square feet.

5                   2) A setback of at least 65 feet is required between any façade of  
6 the principal structure and any lot line that abuts or is across a street from a residentially zoned  
7 lot.

8  
9                   f. Accessory structures including scales, scale houses, entrance/exit kiosks,  
10 walls, screening, and other minor incidental improvements, including canopies over scales  
11 houses and drive lanes, are permitted in IB zones. The total area of all scale houses in IB zones  
12 shall not exceed 1000 square feet.

13                   g. A landscaped area at least 20 feet deep is required between any  
14 structure or any parking located in an IB zone and the nearest street lot line.

15                   h. Parking and driveways accessory to a solid waste transfer station.  
16 Parking and driveways on property in an IB zone may be permitted as a conditional use  
17 accessory to a solid waste transfer station if:

18                   1) The parking is on property that is part of the same development  
19 site as the solid waste transfer station use.

20                   2) The parking meets the criteria of Section 23.50.014.A.

21                   3) The parking is subject to analysis in any transportation plan  
22 required by the Director pursuant to subsection 23.50.014.B.7.c.

1                                   4) Driveways providing access to parking or access to the solid  
2 waste transfer station are on the same development site as the solid waste transfer station use.

3                                   i. Rooftop features on the principal structure shall not exceed the  
4 maximum height limit of the zone.

5                                   j. All transfer, handling, and compacting of materials processed by the  
6 solid waste management use shall be conducted within an enclosed structure.

7                                   k. Outdoor storage is prohibited.

8                                   \* \* \*

9  
10                   Section 6. Section 23.54.030 of the Seattle Municipal Code, which section was last  
11 amended by Ordinance 123649, is amended as follows:

12                   **23.54.030 Parking space standards**

13                   Parking spaces required by Section 23.54.015, and required barrier-free parking, shall meet  
14 the standards of this Section 23.54.030. Parking for residential uses provided in excess of the  
15 quantity required by Section 23.54.015 is exempt from the requirements of subsections  
16 23.54.030.A and 23.54.030.B.

17                                   \* \* \*

18                   D. Driveways. Driveway requirements for residential and nonresidential uses are  
19 described below. When a driveway is used for both residential and nonresidential parking, it  
20 shall meet the standards for nonresidential uses described in subsection 23.54.030.D.2.

21                                   \* \* \*

22                   2. Nonresidential Uses.

23                   a. Driveway Widths.

1 1) The minimum width of driveways for one way traffic shall be  
2 12 feet and the maximum width shall be 15 feet.

3 2) The minimum width of driveways for two way traffic shall be  
4 22 feet and the maximum width shall be 25 feet.

5 b. Driveways shall conform to the minimum turning path radius shown in  
6 Exhibit B for 23.54.030.

7 c. For driveways that provide access to a solid waste management use the  
8 Director may allow both a maximum driveway width greater than the limits set in subsections  
9 23.54.030.D.2.a and appropriate turning path radii, as determined necessary for truck  
10 maneuvering.

11 \* \* \*

12 F. Curb cuts. The number of permitted curb cuts is determined by whether the parking  
13 served by the curb cut is for residential or nonresidential use, and by the zone in which the use is  
14 located. When a curb cut is used for more than one use or for one or more live-work units, the  
15 requirements for the use with the largest curb cut requirements apply.

16 \* \* \*

17 3. All uses in industrial zones.

18 a. Number and location of curb cuts. The number and location of curb cuts  
19 will be determined by the Director.

20 b. Curb cut width. Curb cut width in Industrial zones shall be as follows:

1) Except as set forth in subsection 23.54.030.F.3.b.4), ((F))if the curb cut provides access to a parking area or structure, it must be a minimum of 15 feet wide and a maximum of 30 feet wide.

2) If the curb cut provides access to a loading berth, the maximum width may be increased to 50 feet.

3) Within the minimum and maximum widths established by this subsection 23.54.030.F.3, the Director shall determine the size of the curb cuts.

4) If the curb cut provides access to a solid waste management use, the Director may determine the maximum width of the curb cut.

4. Curb cuts for access easements.

a. If a lot is crossed by an access easement serving other lots, the curb cut serving the easement may be as wide as the easement roadway.

b. The curb cut serving an access easement shall not be counted against the number or amount of curb cuts permitted to a lot if the lot is not itself served by the easement.

5. Curb cut flare. A flare with a maximum width of 2.5 feet is permitted on either side of curb cuts in any zone.

6. Replacement of unused curb cuts. When a curb cut is no longer needed to provide access to a lot, the curb and any planting strip must be replaced.

Section 7. Section 23.84A.040 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

**23.84A.040 “U((;))”**

\* \* \*

“Utility” means a use in which power, water or other similar items are provided or transmitted; or sewage is treated, or solid waste is stored, transferred, recycled or incinerated. High-impact uses and utility lines shall not be considered utilities. Subject to the foregoing exclusions, utilities include but are not limited to the following uses:

\* \* \*

4. "Recycling" means a utility use in which recyclable materials are collected, stored, and/or processed, by crushing, breaking, sorting and/or packaging(~~(, but not including the collection of recyclable materials accessory to another use or any use which is defined as a solid waste management use))~~).

\* \* \*

Section 8. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2012, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

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Michael McGinn, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)